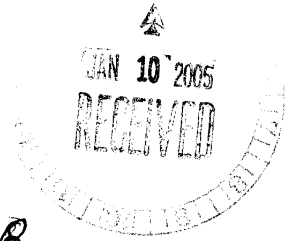


Before the
Surface Transportation Board



STB Docket No. AB-512X

212978

SIERRA PACIFIC INDUSTRIES—ABANDONMENT EXEMPTION—
IN AMADOR COUNTY, CA

ENTERED
Office of Proceedings

JAN 10 2005

Part of
Public Record

STB Docket No. AB-880X

212979

SIERRAPINE—DISCONTINUANCE EXEMPTION—
IN AMADOR COUNTY, CA

**PETITIONERS' REPLY TO THE AMADOR COUNTY TRANSPORTATION
COMMISSION'S REQUEST FOR ISSUANCE OF PUBLIC USE CONDITION
AND CERTIFICATE OR NOTICE OF INTERIM TRAIL USE**

Petitioners Sierra Pacific Industries ("SPI") and SierraPine (together, "Petitioners") hereby reply to the request by the Amador County Transportation Commission ("ACTC"), dated December 21, 2004, for the Board to issue a Public Use Condition as well as a Certificate or Notice of Interim Trail Use with respect to Petitioners' proposed abandonment of and discontinuance of service over the 12-mile line of railroad between Martell and Ione, California at issue in these proceedings.

Although ACTC's request states that it seeks both a Public Use Condition and either a CITU or NITU, it appears to seek only a NITU, inasmuch as the only reasons given for the Public Use Condition are the asserted need to preserve the right-of-way for

possible future rail use and the asserted suitability of the right-of-way for interim use as a recreational trail. Furthermore, a CITU is not applicable in exemption proceedings.¹

Pursuant to 49 C.F.R. § 1152.29(b)(2), SPI, the owner of the right-of-way, states that it is willing to negotiate with ACTC concerning an interim trail use/rail banking agreement and does not object to the issuance of a NITU. SPI's willingness to negotiate concerning such an agreement should not be understood by ACTC or any other party as a commitment to conclude such an agreement or to agree to any specific terms.

Respectfully submitted,



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Dated: January 10, 2005

¹ ACTC's letter requesting the issuance of a Public Use Condition and either a CITU or NITU states in the first sentence that "[t]his comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding." We do not understand this statement, inasmuch as ACTC filed a separate protest of the Petition for Exemption (to which Petitioners have replied separately) and the Board has issued no decision or order to be reconsidered.

CERTIFICATE OF SERVICE

I certify that on January 10, 2005 I caused to be served a true copy of the foregoing "Petitioners' Reply To The Amador County Transportation Commission's Request For Issuance Of Public Use Condition And Certificate Or Notice Of Interim Trail Use" by first class U.S. mail, postage pre-paid, upon:

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